

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 \$36,559 IN U.S. CURRENCY

15 Defendant.

16
17 URSULA ESPARZA MARTINEZ

18 Claimant.
19

No. SACV 15-00440-JLS (DFM)

AMENDED CONSENT JUDGMENT

20 This action was filed on March 18, 2015 against the defendant \$36,559.00 in U.S.
21 Currency (“defendant currency”). George Martinez, from whom the defendant currency
22 was seized, is deceased. His wife, Ursula Esparza Martinez, claims an interest in the
23 defendant currency. Ursula Esparza Martinez filed a claim and an answer to the
24 complaint. No person other than George Martinez or Ursula Esparza Martinez is
25 believed to have an interest in the defendant currency. No other claims or answers have
26 been filed, and the time for filing such statements of interest and answers has expired.
27 Plaintiff United States of America and Ursula Esparza Martinez have reached an
28

1 agreement that is dispositive of the action, and have requested that this consent judgment
2 be entered. Nothing in this consent judgment is intended or should be interpreted as an
3 admission of wrongdoing by Ursula Esparza Martinez.

4 WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

5 A. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345
6 and 1355 and over the parties hereto.

7 B. The Complaint for Forfeiture states a claim for relief pursuant to 18 U.S.C.
8 § 981(a)(1)(C), 21 U.S.C. § 841(a)(1)(C) and 21 U.S.C. § 881(a)(6).

9 C. Notice of this action has been given in accordance with law. All potential
10 claimants to the defendant currency other than Ursula Esparza Martinez are deemed to
11 have admitted the allegations of the Complaint. The allegations set out in the complaint
12 are sufficient to establish a basis for forfeiture.

13 D. All right, title and interest in \$19,818.00 of the defendant currency shall be
14 forfeited to the United States of America. The government shall dispose of the
15 defendant currency according to law.

16 E. \$16,741.00 of the defendant currency, without interest, shall be returned to
17 the Ursula Esparza Martinez.

18 F. The funds to be returned to Ursula Esparza Martinez shall, at the
19 government's option, be returned by either check or wire transfer within 60 days of the
20 date this Judgment is entered. If the United States elects to make the payment by check,
21 the check will be payable to "The Law Offices of Paul L. Gabbert client trust account,"
22 and mailed to Ursula Esparza Martinez, in care of her attorney, Paul L. Gabbert, Esq.,
23 2115 Main Street, Santa Monica, California 90405. If the United States elects to make
24 the payment by wire transfer, the funds will be wire transferred to a bank account
25 designated by Ursula Esparza Martinez. Ursula Esparza Martinez agrees to provide the
26 necessary bank account information and personal identifiers upon request from the
27 United States.
28

1 G. Ursula Esparza Martinez has released the United States of America, its
2 agencies, agents, and officers, including employees and agents of the Federal Bureau of
3 Investigations, from any and all claims, actions or liabilities arising out of or related to
4 this action, including, without limitation, any claim for attorney's fees, costs or interest
5 which may be asserted on his behalf, whether pursuant to 28 U.S.C. § 2465 or otherwise.

6 H. The Court finds that there was reasonable cause for the institution of these
7 proceedings. This Judgment shall be construed as a certificate of reasonable cause
8 pursuant to 28 U.S.C. § 2465.

9
10 Dated: October 30, 2015

11
12 

13
14 THE HONORABLE JOSEPHINE L. STATON
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28